

REMARKS

No claims have been amended. Claims 1-20 remain pending in the present application.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaki in view of Inchalik. The rejection is respectfully traversed.

Claim 1 recites a “medium judgment method which determines authorization of a rewritable storage medium having a read-only area and a rewritable area for use in an optical disk drive” comprising the steps of “permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct; and inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect.” Claim 1 further recites that “the method is . . . used to read the rewritable storage medium in a read-only optical disk drive.”

At the outset, Applicant takes the opportunity to explain the claimed invention. The claimed invention relates to a system and method for determining the authorization of a rewritable optical disk with the same reliability as in a rewriteable optical disk drive when the rewriteable optical disk is inserted in a read-only optical disk drive. This is an important feature of the invention. According to the typical illegal copy prevention methods at the time of invention, it was necessary to use an optical disk drive that complied with the illegal copy prevention method when reproducing the contents of software from the disk, which is undesirable. The claimed invention overcomes such a problem. The claimed invention provides a system and method for determining the

authorization of a rewriteable optical disk while using and having the advantages and protections of a read-only drive.

Tosaki, by contrast, solely disclosed a read-only optical disk that has a main information area in which data information is recorded in a track having a wobble, and first and second control data areas, each of which is located at an inner periphery position in comparison with the main information area. In particular, using the second control data area, the Tosaki read-only optical disk can be identified without spoiling the physical format information, the disk production information or the like; in addition, illegal use of the recording medium can be effectively prevented. This is different than the claimed invention. Tosaki simply provides an optical disk that uses a second control data area for identification purposes. Tosaki does not teach or suggest “[a] method [that] is . . . used to read the rewritable storage medium in a read-only optical disk drive,” as recited in claim 1.

Inchalik, similar to the previously cited Oshimi reference, is simply another example of a hybrid disk, with read-only and rewritable sections, as the recording medium to be judged. In no way does Inchalik cure the shortcomings of Tosaki. Instead, Inchalik refers to an information transferring method. Inchalik, whether considered alone or in combination with Tosaki, does not teach a method or system for determining the authorization of a rewritable optical disk with the same reliability as in a rewriteable optical disk drive when the rewriteable optical disk is inserted in a read-only optical disk drive. In other words, Inchalik, like Tosaki, fails to render obvious a “method [that] is . . . used to read [a] rewritable storage medium in a read-only optical disk drive.” Thus, it is improper to combine the references in the manner suggested by the Office Action.

As previously articulated, read-only disk drives were not capable of reading out the specific information (absolute time in pre-groove) from the disk when a rewritable optical disk containing the recorded specific information was inserted into the read-only disk drives. Thus, it would not have been obvious to one of ordinary skill in the art to combine the cited references to achieve the claimed invention.

The Office Action, however, states that one of ordinary skill at the time of invention would have been motivated to combine the authorization medium judgment method of Tosaki and the authorizing hybrid optic disk of Inchalik to achieve the claimed invention. According to the Office Action, the alleged motivation is to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost. Applicant respectfully submits, however, that this alleged motivation is off the mark.

The claimed invention is designed to provide a method and system for determining the authorization of a rewritable optical disk with the same reliability as a rewriteable optical disk drive when the rewriteable optical disk is inserted in a read-only disk drive. As described above, Tosaki was designed to provide an optical disk that uses a second control data area for identification purposes and Inchalik was designed to provide an information transferring method. Given this, even if one of ordinary skill would have been motivated to combine the cited references, the result would have been something other than the claimed invention, which is a method for determining the authorization of a rewritable optical disk with the same reliability as a rewriteable optical disk drive when the rewriteable optical disk is inserted in a read-only drive. Thus, for at least the reasons set forth above, one of ordinary skill in the art at the time of invention would not have

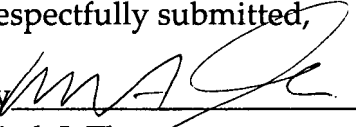
looked to Inchalik to combine it with Tosaki to achieve a medium judgment method "that [is] used to read [a] rewritable storage medium in a read-only optical disk drive."

Applicant respectfully submits that the cited combination fails to disclose, teach or suggest all of the limitations of the claim 1 invention and also fails to provide a motivation for one of ordinary skill in the art to combine the cited references to achieve the claimed invention. Therefore, the cited combination does not render obvious the limitations of claim 1. Claims 3, 6, 8, 11-16 and 18 recite similar limitations and are allowable over the cited combination for at least the same reasons. Claims 2, 4, 5, 7, 9, 10, 17, 19 and 20 depend from claims 1, 3, 6, 8, 11-16 and 18 and are allowable along with claims 1, 3, 6, 8, 11-16 and 18.

Accordingly, Applicant respectfully requests that the § 103(a) rejection be withdrawn and claims 1-20 be allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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